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APR 12 2001

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In re Application of
HUI et al.
Application No.: 09/646716
PCT No.: PCT/SG98/00022
Int. Filing Date: 20 March 1998
Priority Date: 20 March 1998
Attorney's Docket No.: 851663.416USPC
For: Moving pictures Encoding With
Constant Overall Bit Rate

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DECISION
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This is in response to "Response to Notification of Abandonment" filed on 20 September 2000.

BACKGROUND

This international application was filed on 20 March 1998, and did not claim an earlier priority date. A copy of the published international application (with search report) was transmitted to the USPTO on 30 September 1999. A Demand electing the United States was filed on 14 October 1999, which was prior to the elapse of 19 months from the priority date. Accordingly, the thirty-month time period to pay the basic national fee in the United States expired as of midnight on 20 September 2000.

On 20 September 2000, applicants filed a transmittal letter accompanied by, *inter alia*, the basic national fee and a surcharge under 37 CFR 1.492(e).

On 20 October 2000, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to applicants, indicating that this international application had become abandoned with respect to the U.S. because "application was not received in timely manner this case was due by August 20, 2000."

Applicant filed the instant "Response..." on 26 December 2000.

DISCUSSION

Review of the record shows that applicants timely paid the basic national fee in the U.S., on 20 September 2000. As such, the Notification of Abandonment mailed on 20 October 2000 was inappropriate and is hereby **vacated**.

DECISION

The petition is **GRANTED**.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the filing of an oath or declaration of the inventors.



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